P 25-98

G. R. S. IX-5]

Previous references. (1897-98)

191 .

(L. R.)

Later references.

File No. 76-97

Serial Nos. 1-7.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7.

In ~~Part B~~ for July 1898

SUBJECT.

Grant of Survey no. 90 of Belagere in Arsikal Tk. to Padmanabha Rao & Co.

16/16

W D 1250—GPB—50,000 - 28-1-19

Indexed

p18

Petn Nos 190 and 220/A.S.72 of 1897-98.

Petn. Subbaramaiya of Kasba Bidarguru in the Mekal Taluk.

Subject

Appeal against the order of the Dy Collr, Bangalore declining to interfere with the order of his predecessor granting a portion of the land of Malleswara land on temporarily assessment to one Complt Padmanabha Setty

Facts of the case

(Serial No 1. last file)

Dec 16.4.93 petn put in an application to the Bangalore Dy Asstt Collr stating that Magi No 112 a portion of S. No 20 of Bidarguru had been granted to him on Inam Kandaya under the that during the S. Settlement the said portion was included in the land of the Mala-
-kere

kere lands and reserved, that
he subd a plot to him on 11.2.93
praying for grant of the said
portion as usual by giving
it a separate no which re
quest was not granted by
such letter 29.1.93 on the
ground that though the land
was in the pltf's occupancy
previous to Survey Settlement
the same had been included
in the land of the Mahalkari
Taluka during the Settlement
and
that he learnt that a portion
of the land of Dadabhai with
same kabja under similar
circumstances was ordered
by Govt to be assessed
assessment on the re-
commendation of the Asstt
though it had no water
and contained valuable teak
and praying that the said land
might be given to him on
full assessment though the
plot would be only for grazing
purposes.

The 2nd Asstt Collr for-
warded the plot to the Ht
for submission of the pltf's
statement as to whether he would

would like to take up the land temporarily on agst binding himself and (forgive up of the land without compensation when required

(Serial No. 3 last file)

The petr gave a deposition to that effect on June 93 which was forwarded to the Asst Comr on 1-6-93 with for orders.

No orders having been received the petr put in a reminder petn on 19-7-94 the Collector which was forwarded to the Asst Comr for orders with reference to the previous correspondence on the subject.

Vide letter ?

On 23rd May 1895 the 2nd Cl Asst Comr issued a Hukum to the Collector as follows:-

Even if the land be given to petr temporarily for Chulgaval when the cattle of the other villagers and those of the neighbouring villages go there for grazing there might be a dispute between the petr and them as ab. Hence if

the land cannot be given
to petitioner temporarily.
He must be informed of this.
[N.B]. [Petn's fresh application
of 11.8.93 to the Asst Commr and
allied papers ending with
Revn No 29.1.93 are not inside
file]

On 16.11.94 one Padmabha
Sastry of Bidargere village
put in a darkast for the said
land. The Mojindar Submitted a
report No 125 dated 1.1.95 with
plan stating that the land
referred to was on a higher
level than the rest of the field
and that a portion of it was
capable of being cultivated with
dry crops while the other with
wet crops as per margin

The Shekdar Submitted
the wishes of the villagers
on 18.5.95 in which the villagers
stated that they had no objection
for the grant of the land for
cultivation and that they
remembered having made
a similar remark on the
darkast of Subramanya in
1893.

N.B. [Below the Shekdar's

Serial No 1.

* Serial No 3

(X) 1 acre 11 cents and 3 annas
of S. No 90.
1 acre fit for dry cultivation
2½ annas for wet cultivation
1 acre and 24 annas
* Serial No 4

Enclosure of 14-4-95 to the Schedule

For sale of the watercress, the petr has made a remark that the said land had been applied for by him previously and that the subject was under correspondence and that he was ready to take up the land as assessed when kept by the Survey Dept :]

Serial No 7

The Surveyor reports on 18.5.95 to the 2nd Gl. Asst Comr stating the facts of the case. He reports subsequently further by Comr who directed the Sub of a further report regarding the extent of the land under the Schedule of the Rules, whether the land and the land under it were in good condition and what had become of Subramanya's application referred to.

Name ?
Mr D Coopoosamy Naidu

Serial No

After personal inspection of the place during the Jamkalund, the 2nd Gl. Asst Comr reports on 14.5.95 to the Comr stating that the land was in good condition, that all the land under its cultivation, that Subramanya's application for a grant to the land referred to had been invalid, and that

① 12 acres and 3 roods assessed at Rs 77-

the

to other particulars relating to the level of the land should be got from the Engineering Dept.

The Executive Engineer Bangalore Serials No. 14.
by his reply dispensed the Collector that he had no objection to the grant of the portion of the bed & bed of present dimension as it was 2 feet above the water level. The Collector therefore directed the Asst Collector to submit latest details and observations about the land with a view of granting it to Padmanabhaswamy. The Asst Collector in reply sent the same with the remarks observing that the demension of land was necessary in his opinion for preserving the tank -

The Survey Superintendent Serials No. 15 and 16
who was requested to assess the land portion of S.No 8 gave as his opinion that the same could not be assessed with reference of grant in permanently for cultivation without the demension of tank and that the Collector might if he liked grant the land temporarily on assessment. The deputy Collector thereupon passed Judgment No 555 dated 17-2-27 to the effect Collector directing the grant of the land

to Padmanabha Sastry tem-
porarily on assessment to be
fixed by the S. Deptt., on condi-
tion of relinquishing it without
compensation whenever required.
The said Padmanabha Sastry
Serial No 18. gave a typhit to that effect
whereupon the land was
measured and separated from the
entire No and assessed at Rs
5/- and granted to cancelled
patta

on 16.3.97 one chikka
Serial No 24 Timmaya of Kasba Hobli
submitted a petition to the Dy Comr
stating that he had applied
for a portion of the kere & gomal
kere land since two years back
that he heard that the same
had been granted to some body
else and that the same
might be granted to him
on the same terms. This petn
was sent to the Taluk for report
whereupon the Amildar reported
that no such petn had
been received from him praying
for the land, and that the
same had been granted
to Padmanabha Sastry under
orders of the Dy Comr

Enclosure to petr's appeal petn

Petitioner put in an application on 16.12.97 to the Dy Comr Bangalore Dt complaining of the grant of the land to Padmanabha Reddy in preference to him and praying for grant of the land to him on the same terms whereupon the Dy Comr issued Cert to the effect that he could do nothing in the matter as the land had been already granted to another and as the petr's application had been rejected

Hence this appeal to Govt

4/5/98

The bed of the tank Malalukere (Sno 90) measures 11 acres 30 guntas & has an attachat of 12 acres 37 guntas assessed Rs 77 & is therefore a minor tank Out of the bed 1 acre 24 guntas was assessed by the Survey Dept at 5 Rs which, owing to the silting up, stands at 3 Rs above the Kodi level has been granted to the Petr

The Survey Dept declined
to accept the piece of
land permanently but
has seen no objection to
its grant temporarily
on the condition of the
C-Pet^r relinquishing it
without compensation
when required by Govt.

The policy of granting
pieces of tank-bed in
this way seems questionable
when the Anekal tank was
surveyed & settled - which
was in the years 1890-91 -
the whole of Sno 90 must
have fallen within the
contour taken at the
Kodi level. Owing to
the settling proceedings continued
from 1891 to 1896 unchecked
Lake 24 gunthas of the

tank-bed is no longer
tank-bed, the bed of
a tank in action having been
defined as so ~~as to include~~ all
the Land lying within the
contour taken at the kodi
level"

orders perhaps

The Revenue officers have, so
far as I am aware, no power
to ~~help~~ ask the ryots to
remove the silt from minor
tanks But if the process
of silting goes on unchecked.
a time must come when the
tank-bed will be unable
to retain water & the ryots
will pay for the reclamation
of the wet-cultivation under
the tank. A suggestion was
made in the Dasara Representative
Assembly that large trees
should be planted at the ~~the~~ outer edge
of tank-beds to prevent the
silting up This is also recommended
in para 19 of S.O no 186 of the Board of
Revenue

This is the
head note
of the case
the Justice of

If however the grant in
this case is considered
an objectionable as the
land granted does not now
form part of the tank-bed,
then the further question
will arise whether the
pet[r] has any prescriptive
claim to the land.
The record shows that
the pet[r]'s application
for the grant of this
land in 1893 was rejected
on the ground of apprehended
friction between him
the villagers in the
matter of grazing
If-cattle ~~cattle~~ appears
further in the
after this refusal the
pet[r] should have
obtained the land

Light-ap/cargyle-Sollaboga
Tot-wells

The c-pet[r] in this case
has appeared some time
ago in the office & was anxious
to be heard
The rules require that,
in all cases liable to be
heard by 2 Commiss[rs], a hearing
should be given before the
Dy Comm[r] order can be
reversed.
It has been the practice
hitherto to treat cases like
the present — where the c-pet[r]
has been put in possession of
the land — as "Consent cases"
coming under the last clause
of Sec[n] 22 (f) of the L R Code.

M 14/5/98

The Dy Comm reports in reply to
a reference that the land in question
was in the possession of the pet[r]
on his/award and from the Survey returns

M 21/5/98

Before the Government of Mysore.

Appeal No. 72 of 1897-98.

Appellant.	Vs.	Respondent.
Subbaramaiya of Bidarepee, Amildar Talak		Rudramma the Sister of Appellant.

Subject

Appeal against the order of the Dy. Comm^r of Bangalore declining to cancel the grant to the Respondent of a portion of Survey No 90 of Bidarepee

Posted to the 27th June
Sub^d to 1st Committee for perusal
21/6/98 9^{1/4}

In 1893 appellant got the land on the west the same in his occupation since 1885 appellant

In 1897 he got land on the east

still continues -

22 6-98

Before the Government of Mysore.

Appeal No. 72 of 1897-98

Appellant.	Vs.	Respondent.
Subbarayappa		Padmanabha Shetti

Notices served
27. 6. 1898

Parties present
adjd to 4th July, in accordance
being effected

28/6/98

Rule
(1) 2 R stamp affixed
(2) Order appealed against
dated 18.12.97
1.2/98
Nobody has signed the pet (?)
Return this petn for being
signed by petr
10/2/98

Endt on petn
11/2/98

3

12/2/98 Petn retd

1) In time — as the date of the ... is not clear though it ...
2) Stamps sufficient
3) Appeal against ... of ... Malala ... bending the bed of ... to ... on ... arrangement ... ... to their ... vastry.
Ord
4) ... Council ... ... to ... Committee
4/3/98

Call ... ...
14.3.98
17.3.98

[illegible] 6 ... 1

1898

No. 17

Name of Petitioner Subbaiaiah

Village [illegible]

Taluk Anekal

District Bangalore

Date of Arzi 18.1.98

Date of Receipt 21.1.98

Date of Disposal

No. of Enclosure Three

ABSTRACT

Appeal against the order No. ... 8.12.97 issued by Bangalore Dt ... Commr declining to interfere with the orders ... which ... the ... ... the land to another ... to the effect that the land ... for ... ... these ... that the land

land in question was in
the occupancy ~~of~~ that
of the time, the survey
of the same was claimed
as demand, that he
then applied to the Colonial
authorities to have the
same assessed and
granted to him for grazing
purposes; that his request
was not complied with
that subsequently a portion of
the same was granted to
one Padmanabhacarlu,
although he had applied
for it and was enjoying
the same for some time;
and that on appealing
to the Dy Commr he declined
to interfere

Says that the ~~space~~
land in question might be
assessed and granted to
him as he had not the
least objection to the
land to Padmanabha being
might be cancelled, and the
land kept as demand.

Enclosures

1) Petn to Dy Commr with Endt thereon
2) Extract from the Colonial Endt Regr for 1867-69
3) Power of Attorney - dy 18-11-97

x Says etc. was appointed from both the applicant & Padmanabha to ~~act~~ act as ~~pleader~~ pleaders for the land in

2/1/98

21/1/98

I

II

III

IV

Resubmitted

25-2-98

By courier

25-2-98

FEB. 98

18-1-98

Pet 1189 K2

21-3-98

LR 76 97-2

21

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT

1903 OFFICIAL MEMORANDUM

The accompanying Appeal Petition and 1903 dated 18—, received at the Dewan's Office from Bharamayya of Bidarapura village in the Anekal Taluk [illegible] Case granting [illegible] temporary assessment to Canara pety Padmanabha Setty

is forwarded, together with its enclosures, to the Deputy Commissioner of Bangalore District for submission of the entire proceedings connected with the case, together with a full report of the facts of the case, and on the points urged in the petition.

The petitioner with its enclosures should be re

for Chief Secretary.

BANGALORE,
24/3/1898.

21/1

17 3

LR 76-97-3

(31)

189

Gl. No. 7805
APR. 27 1898
REVENUE DEPARTMENT
MAIN OFFICE

From

The Dy. Commissioner of the
Bangalore District.

To The Secretary to the Govt
of Mysore,
Genl & Rev Departments.

Dated 23rd April 1898

Despatched 25th April 1898

Received

General No.
No. 1399

Enclosure No. 1 file

Subject Memo dt 21-3-98.
Report in petition of Venkatarangappa of Bilarpete village, against the order passed by Comm^r granting the bed of N. Lake on temporary assessment to Venkatarangappa Chasartie.

Mem
29/5/98

Mr Ethiraj to see
2/5/98
Mr Parthasarathy Rao
2/5/98
Receipt entered
4/5/98
Subr
Mdh
5/5/98

(1) Notice for hearing on the 20th June
(2) Issue notices
(3) Ask the D Comm^r whether he wants further evidence on the question of fact as to whether land in question was held by petr on his grandfather's account before the date of the Settlement
Notice issued before 20th June
B.D
19/5/98.

Subr
Draft submitted
Subr
19/5/98

Petition No. 2
Chitradurga
2-11-1898

Refs pater
Subr
28/4/98
MdH
29.4.98

Bangalore District
Dy. Commissioner's Office
Bangalore 22nd April 1898.

No. 1399.
Survey

To

The Secretary to the Government
of Mysore,
Genl & Rev. Departments.

Sir,

With reference to your official Memo No. Pt 1189 of the 21st March 1898, calling for a report on the petition of Subbaramanayya of Bidarayre in the Kunigal Taluk, regarding a certain land forming the bed of the Mudkere tank in the same village, I have the honor to state as follows.

2- In 1893, the petitioner applied for a portion of a land Survey, No 90 of the Bidarayre village of the Kunigal Taluk, included in the bed of the Mudkere tank stating that previous to the introduction of the Survey Settlement, the land had been in his holding on Mulgaval tenure, and that, at the time of the Survey settlement, it had been classed as Kharab as forming a tank-bed, and prayed that the land might be granted to him on Kandayam for grazing his cattle thereon.

The application was rejected on the ground that the land formed the bed of the tank and also that its grant to the applicant would lead to disputes between him and the villagers. In November 1894, one Padmanabha Sastri of Cheral applied for the land above referred to, to be granted to him on Kandayam. The Executive Engineer, who was written to stated that though included in the tank bed, the land was not liable to submersion. After some correspondence in the matter, on the 9th February 1897, the then Deputy Commissioner directed that the land in question be granted to the applicant Padmanabha Sastri on Kandayam, on the condition that he would give the land to Government free of cost whenever it was wanted. Against this order, Subbaramayya, the first applicant for the land, petitioned to this office, but he was told that nothing could be done by this office in the matter. It is on this order, that the present appeal to Government has been presented.

3 The records of the case are

forwarded herewith, together with the enclosures of the memorandum reply.

I have the honor to be
Sir
Your most obedient servant

A. Subramanya
Asst. Commissioner in D.'t
for Dy. Commissioner, charge
Bangalore District.

Mrs

LA 76-97-4

From 189 (41)

The Secretary to the
Government of Mysore.

To The Deputy Commr
Bangalore District

Dated 20

Despatched 20 May 1878

Received

General No. 1021 f
P. No. 1409

Enclosure No.

His letter No 1399 dated 23rd April 1875, reporting on the appeal of Subbaramaiya of Bidarpere in the Anekal Taluk regarding the grant of survey No 90 of the village of Padmanabhanahalli

— x —

With reference to the above has the honour to request that the Dy Commr will be so good as to report before the 20th of June next to which date the appeal stands

foolish, whether, as a matter
of fact, the land in question
was held by the appellant
on hukgirai assessment
before the Survey Settlement.
The records are returned herewith & receipt
By Order
20-5-98
Draft-
For Secretary

19/5/98

LR 71-97-5

(67)

From
The Dy. Commissioner, of the
Bangalore District.

To The Secretary to the Govt.
of Mysore
Genl & Fer. Departments

Dated 16th June 1898
Despatched 17th do
Received

General No.
No. 1610

Enclosure No. 1 file

Secretary's docket
No. 11021
Pet-1409
dated 20th May
1898

Reports in connection
with the appeal of Sub-
-baramaiya of Bidarere
Anekal Taluk, that he
held Survey No. 90 of the
said Village on Halgaval
assessment prior to the
Survey Settlement

Petition
1876/98

Bangalore District
Dy. Commissioner's Office
Bangalore 16th June 1895.

D. No. 1610.

En. 1 file

To

The Secretary to the Government
of Mysore,
Genl. & Rev. Departments.

Sir,

In reply to your docket No. 11021 of the 20th May 1895, Pet 1409 the appeal of Subbannayya of Bidarigere in the Anekal Taluk regarding the grant of Survey No. 90 of the said village to one Padmanabha Sastri, I have the honor to state that the land in question (Inaji No. 212) was held by the appellant on kulgaval assessment prior to the survey settlement. Extracts from the Fasul Baki accounts prepared at the survey settlement and the Khatewar accounts of the year Virodhi (1890-91) are enclosed with the Canarese records bearing out the above statement.

2. The records received with

the above are resubmitted.

I have the honor to be
Sir
Your most obedient servant

V Venkatalinga

Dy. Commissioner,
Bangalore District.

mrs

LR 769/(7)

Proc of the Govt-in
(Ben Subpcn
name

Read

(1) Petition of appeal no 72
dated 18/1/98 presented by Subba-
ramanya of Bodarsere,
Anekal taluk against the
Dy comm's order granting
a pattah of S.no 90 in Hedam
village to one Padmanabha
Sastri.

(2) Correspondence ending with
Re Dy comm's letter no
1610 dated 16/6/98.

(3) Records of the case.

The appellant-held the land
in question on kulgavund
assessment-prior to the
Survey Settlement in 1891
when it was included
in the Govt-held and
brought-under Khanat.
In 1893 he applied for the
land for grazing purpose

Dictate for appl
Subd to Rev Cr Esq
by 13/7/98

Read 7301
13/7/98

XX by 14/7/98

Subd to Govt Commissioner
by 15/7/98 9301

15/7

16/7/98

Draft Warrant
by 16/7/98

Read + sent for sign

16/7/98

but his application was
rejected on the ground
that the grant would
lead to disputes between
the appellant & the villagers
regarding the ~~grazing~~ right of
grazing in the tank-bed.

In 1894 the respondent applied
for his very land for cultivation;
~~and applications~~. After ascertaining
from the Ex. Dy.r that the
land was above the Kodi
level & did not form part
of the tank-bed, the Dy.Collr
granted the land to the
respondent on temporary
assessment

The appellant in his appeal
to Govt. contends that his
enjoyment of the land before
the Survey settlement and his
being the first darkhastdar
have alike been ignored

Vide Revenue 80 567. 91 20 1
1895-98 Vol. 1

The parties have filed a
razinama in which the
respondent agrees to
give the appellant 17
guntas out of the land
on the northern side
A copy of the razinama
is forwarded to the
D.C. for information
and he is requested to
give effect to it.

for Secy
13/7/98

To D.C. Bangalore with records
Enst. between the adverse parties

(6)

AA 76-97-7

[illegible] 21/7/98

[illegible] 1903/A.S.72
[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 15-1-98 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 17 [illegible]

[illegible]

[illegible]

[illegible] 4 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

By order

For Secretary.

[illegible]

[illegible]

[illegible]

By order

For Secretary

18/7/98